

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN THE MATTER OF

JOSE RIVERA DAVILA
LISHER M. CINTRON RIVERA
DEBTOR(S)

COOP. A/C SANTA ISABEL
MOVANT
HENRY SANTANA
And JOSE R. CARRION MORALES
As DEBTOR (S) TRUSTEE
RESPONDENT(S)

CASE NO: 09-10130 SEK

CHAPTER 13

MOTION FOR RELIEF OF CO-DEBTOR(S) STAY UNDER SECTION 1301 (C) (2)

TO THE HONORABLE COURT:

COMES NOW, Movant **Coop. A/C SANTA ISABEL**, represented by the undersigned attorney who very respectfully states, alleges and prays as follows:

1. On November 25, 2009 Debtor(s) herein filed a petition, pursuant to Chapter 13 of Title 11, United States Code.
2. On the date of the filing of the petition, debtor(s) owed Movant the amount of \$17,123.04 resulting from a personal loan made to debtor(s) and guaranteed by cosigner(s), Henry Santana.
3. The aforementioned sum owed by debtor(s) and co debtor(s) to the appearing creditor will not be paid in full by debtor(s) through the Chapter 13 plan dated January 11, 2010, therefore Movant herein has not been provided with adequate protection and its interest would be irreparably harmed by continuation of the stay.

4. By virtue of Section 1301 (c) (2) of Title 11 United States Code, Movant respectfully prays this Honorable Court for the lifting of the automatic stay regarding the co debtor(s) mentioned in paragraph two (2), to collect from them the balance not paid by debtor(s) through their Chapter 13 plan, including but not limited to, principal, matured post-petition interest, attorney fees and legal costs.
5. Jose R. Carrion Morales, Esq. is included as codefendant, as he is the Trustee in this case.
6. Included is Movant verified statement regarding the information required by the Service Member Civil Relief Act 2003 and Department of Defense Manpower Data Center Military Status Report.

WHEREFORE, Movant very respectfully requests from this Honorable court that an order be entered granting the relief from the co debtor(s) stay pursuant to 11 USC 1301 (c) (2) as requested above.

NOTICE TO ALL PARTIES is herein given that if no opposition is filed within fourteen (14) days from the service of the notice of the instant motion the court may enter an order granting the relief from the co debtor(s) stay as requested.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this same date, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF Filing Systems which will send a notification, upon information and belief, of such filing to the Chapter 13 Trustee, to the Us Trustee, to Debtor's attorney and to all subscribed users. We will serve by certificate mail this document to Debtor(s), Jose Rivera Davila at Po Box 702, Canovanas, PR, 00729. Co debtor(s) Henry Santana at Bo. Vista Alegre, Calle 4 # 75, Rio Piedras, PR, 00926.

09-10130 SEK
JOSE RIVERA DAVILA

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 12th day of October, 2010.

S/ Rafael Torres Alicea
Attorney for the Appearing Party
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Carolina, PR, 00988
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Department of Defense Manpower Data Center

Oct-12-2010 13:25:00



Military Status Report
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
RIVERA DAVILA	JOSE		Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavely-Dixon

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq. as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

More information on Active Duty Status

Department of Defense Manpower Data Center

Oct-12-2010 13:26:20



Military Status Report
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
CINTRON RIVERA	LISHER M		Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

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More information on Active Duty Status

Department of Defense Manpower Data Center

Oct-12-2010 13:27:07



Military Status Report
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
SANTANA	HENRY		Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

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